

O I P E
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Atty. Dkt. No. 029815-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick J. Sweeney
Title: SPINAL DISC PROSTHESIS
SYSTEM
Appl. No.: 10/619,757
Filing Date: 07/15/2003
Examiner: Unknown
Art Unit: 3738

<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p>Michelle Manning (Printed Name)</p> <p><i>Michelle Manning</i> (Signature)</p> <p>November 3, 2003 (Date of Deposit)</p>

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Missing Parts
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003, and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

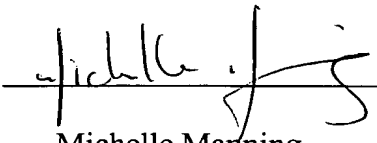
Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350.

Respectfully submitted,

Date November 3, 2003

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Form PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

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10/619,757

INFORMATION DISCLOSURE CITATION

APPLICANT

Patrick J. Sweeney

FILING DATE

07/15/2003

GROUP ART UNIT

3738

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		4,759,766	Jul. 26, 1988	Buettner-Janz et al.			
		4,863,476	Sep. 5, 1989	Shepperd			
		5,314,477	May 24, 1994	Marnay			
		5,562,738	Oct. 8, 1996	Boyd et al.			
		5,645,596	Jul. 8, 1997	Kim et al.			
		5,676,701	Oct. 14, 1997	Yuan et al.			
		5,713,899	Feb. 3, 1998	Marnay et al.			
		5,888,226	Mar. 30, 1999	Rogozinski			
		5,893,889	Apr. 13, 1999	Harrington			
		6,001,130	Dec. 14, 1999	Bryan et al.			
		6,063,121	May 16, 2000	Xavier et al.			
		6,113,637	Sep. 5, 2000	Gill et al.			
		6,139,579	Oct. 31, 2000	Stefee et al.			
		6,146,421	Nov. 14, 2000	Gordon et al.			
		6,179,874	Jan. 30, 2001	Cauthen			
		6,228,118	May 8, 2001	Gordon			
		6,368,350	Apr. 9, 2002	Erickson et al.			
		6,375,682	Apr. 23, 2002	Fleischmann et al.			
		6,395,034	May 28, 2002	Suddaby			
		6,517,580	Feb. 11, 2003	Ramadan et al.			
		6,540,785	Apr. 1, 2003	Gill et al.			
		6,579,320	Jun. 17, 2003	Gauchet et al.			
		6,582,466	Jun. 24, 2003	Gauchet			
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		6,607,558	Aug. 19, 2003	Kuras			
		2001/0016773	Aug. 23, 2001	Serhan et al.			
		2001/0032020	Oct. 18, 2001	Besselink			
		2001/0051829	Dec. 13, 2001	Middleton			
		2002/0022888	Feb. 21, 2002	Serhan et al.			
		2003/0009223	Jan. 9, 2003	Fehling et al.			
		2003/0018390	Jan. 23, 2003	Husson			
		2003/0023312	Jan. 30, 2003	Thalgott			
		2003/010095	May 29, 2003	Serhan et al.			

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
		WO 95/26697	12 Oct 1995	PCT				
		EP 0 560 140	Feb. 25 1993	Europe				
		DE 30 23 353	Apr. 9, 1991	Germany				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		ASERNIP-S/RACS: Rapid Review: "Artificial Cervical Disc Replacement," <i>New and Emerging Techniques - Surgical</i> (Oct. 2001).
		Viscogliosi, Anthony G. et al., <i>Spine Arthroplasty: Market Potential & Technology Update</i> (Musculoskeletal Research, November 2001).

EXAMINER

DATE CONSIDERED

- * **EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.